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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,392	08/30/2001	Jeffrey Scott Weaver	10006366-1	8226

7590 11/18/2004

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EXAMINER

WU, QING YUAN

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/943,392	Applicant(s) WEAVER ET AL.	
	Examiner Qing-Yuan Wu	Art Unit 2127	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/30/01 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>8/30/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-27 are pending in the application.

Drawings

2. Fig. 1 is objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: "32".
3. Fig. 3 is objected to because of a misspelled word in module 170, "queue" should read --queue--. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:
- a. Page 11, lines 2, 9, and 12- "monitor 360" should read --monitor 350--
- Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 1-10, 13-15, 17-20, 22, and 25-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- a. The following claim language is indefinite:
- i. As per claim 1, line 5, it is uncertain whether "the resource request" refers to "a first resource request," and whether a first resource request is received at the same or different time as to a second resource request (i.e. if they are the same then "said" or "the" should be used and "the first resource request" must be used throughout all the dependent claims. Does the order of arrival of requests affect processing of the requests?).
- ii. As per claims 13-15, the "system" should read --the priority resource request handling system--, claim language should be consistent in all the dependent claims in reference to the antecedent.

- iii. As per claims 17-20, 22, and 25-26, these claims are rejected for the same reason as claims 13-15 above.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broder et al (hereafter Broder) (U.S. Patent 5,991,808) in view of Toyouchi et al (hereafter Toyouchi) (U.S. Patent 6,006,251).

9. As to claim 1, Broder teaches the invention substantially as claimed including a method of prioritizing computer resource requests, the method comprising:

receiving a first resource request at a throughput resource from a preferred subscriber having a monetary priority designation; and

processing the resource request from the preferred subscriber faster than a second resource request from a non-preferred subscriber having a non-monetary priority designation [col. 4, lines 21-22; col. 6, lines 19-28].

10. Broder does not specifically teach processing the request with monetary priority designation first. However, Toyouchi teaches assignment of higher priority to information request with monetary designation [Toyouchi, col. 11, lines 29-40; Fig. 3]. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have combined Broder's method with Toyouchi's priority assignment method because according to Broder, customers paid additional fee to get faster servicing of tasks and processing their requests first or assigning a higher priority to these tasks ensure priority service.

11. As to claim 2, Broder as modified teaches the invention substantially as claimed including transmitting the first resource request to a job resource configured for performing the resource request [col. 3, lines 10-16 and lines 30-32].

12. As to claims 3-6, Broder as modified does not specifically teach an internet service provider, and a web browser as a preferred subscriber; a internet router, an internet service provider, and a web server as the throughput resource. However, Broder disclosed a client-server relationship [col. 4, lines 22-23], and a task directing unit [col. 2, lines 51-55].

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have recognized that all of the above preferred subscribers, and throughput resources falls into the categories of the client-server relationship as being considered by Broder.

14. As to claim 7, Broder as modified teaches the invention substantially as claimed including providing the throughput resource as a server system configured for acting as at least one of the following computer resources:

web resource, file resource, printer, network resource, load leveler, router, hub, data resource, transaction resource, access resource, transmission resource, authorization resource, and stock trader [col. 2, lines 6-8 and lines 51-55].

15. As to claim 8, this claim is rejected for the same reason as claim 7 above, in addition Broder as modified does not specifically teach each of the above throughput resource having a monetary priority scheduler queue. However, Broder disclosed a task directing unit that handles different priority requests based on the type/priority of the request [col. 3, lines 14-22].

16. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have recognized that any type of server (i.e. task directing unit) can not process client requests all at once, therefore is necessary to include a queue, in this case a monetary priority scheduler queue, for queuing pending requests.

17. As to claim 9, this claims is rejected for the same reason as claim 1 above, in addition Broder as modified does not specifically teach the preferred subscriber as at least one of a local area network, a internet access/service provider, and a router. However, Broder disclosed clients as types of device capable of querying the multiple servers via the network, and receiving information back from the server [col. 4, lines 10-14].

18. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have recognized that Broder's definition of clients would include at least one of the preferred subscribers mentioned above.

19. As to claim 10, Broder as modified teaches the invention substantially as claimed including:

prioritizing resource requests based on a job type monetary priority designation [col. 6, lines 41-46], associated with at least one of the following job types: email, data, access, transmission, routing, and transactions [col.4, lines 22-23].

20. As to claim 11, this claim is rejected for the same reason as claim 1 above.

21. As to claim 21, this claim is rejected for the same reason as claims 1, 3-6, and 8-9 above.

22. As to claims 12-20, and 22, these are system claims that correspond to the method claims 1-11. Therefore, they are rejected for the same reason as claims 1-11 above.

23. As to claim 23, Broder as modified does not specifically teach a graphical user interface including:

an activation function;

a login function; and

a job type priority designation function.

However, Broder disclosed an input interface and a display interface to facilitate the display of information to the user [col.10, lines 4-8; 630, 640, 730, 620, 740, Fig. 8].

24. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to include the above functions for managing the monetary priority designation giving the ability of Broder's system of displaying system information to user and providing user interaction via an input interface.

25. As to claims 24-27, these are computer-readable medium claims that correspond to the method claims 1-11. Therefore, they are rejected for the same reason as claims 1-11 above.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100